

Calendar No. 1560

69TH CONGRESS }
2d Session }

SENATE

} REPORT
No. 1550

JOHN A. BINGHAM

FEBRUARY 17, (calendar day, FEBRUARY 21), 1927.—Ordered to be printed

Mr. DENEEN, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 531]

The Committee on Claims, to whom was referred the bill (H. R. 531) for the relief of John A. Bingham, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 474, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 474, Sixty-ninth Congress, first session]

The Committee on Claims, to whom was referred the bill (H. R. 531) for the relief of John A. Bingham, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT OF FACTS

This claim was disallowed by Postmaster General Payne February 24, 1904, for the reason that the loss was regarded as having resulted, to a certain extent, from negligence on the part of the claimant in failing to properly safeguard the stamps stolen by locking the safe from which the stamps were taken. At the time this claim was settled it was supposed that the loss occurred while workmen were busy making repairs to the foundations, and during a portion of the time it was necessary to leave open or unlocked the door to the stairway referred to. The postmaster was regarded as having been negligent in leaving the safe unlocked at a time when persons not employed in the office had access thereto; but it appears that the loss occurred at the time of the storm and while the postmaster and his assistants were excited because of the damage to the building and the Government property therein, and were busily engaged in efforts to protect the property in their charge, and before the making of repairs had commenced, but at or before the time that the mechanic and the son of the owner of the building were in the cellar examining the foundations to see what repairs were necessary, and had for that purpose passed through the door in question and left it unlocked.

The safe was always locked at night, but during business hours was not locked although closed. The presumption was that while but one person was on duty in the post office, probably at the noon hour, a thief entered the office through the cellar or basement by forcing

open a window between the post-office building and the one adjoining, crept up the stairs leading from the cellar to the office, opened the safe, secured a package of postage stamps, and made his escape without attracting the attention of the clerk on duty.

Under the circumstances your committee recommends that claimant be granted relief.

JANUARY 29, 1926.

HON. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. UNDERHILL: In compliance with your request of the 21st ultimo for my opinion as to the merits of the bill (H. R. 531) for the relief of John A. Bingham, formerly postmaster at Vandalia, Ill., in the sum of \$500, representing the value of postage stamps reported stolen from the post office safe on or about July 24, 1903, and which he was required to pay, I am transmitting copies of all material papers on file in the department relating to this case, consisting of (1) the report of the Postmaster General, dated June 14, 1910, in response to the request of the Committee on Claims on the bill (H. R. 26718) for the relief of Mr. Bingham on account of this loss, then pending in the Sixty-first Congress; (2) several affidavits made by Mr. Bingham in support of the claim; and (3) a summary of the evidence prepared in the office of the solicitor for this department.

These papers show that former postmaster Bingham presented a claim for credit under the provisions of the acts of March 17, 1882, and May 9, 1888, on account of \$500 in postal funds stolen from the post office safe on July 24, 1903, and that the claim was disallowed by Postmaster General Payne on February 24, 1904, for the reason that the loss was regarded as having resulted, to a certain extent, from negligence on the part of the postmaster, as indicated by his failure to lock the safe from which the stamps were taken. Inasmuch as this claim was adjudicated by one of my predecessors and no new evidence has since been submitted, I prefer not to make any recommendation and submit the facts for the information of Congress, though I see no reason why the department should interpose any objection if Congress sees fit to reimburse Mr. Bingham.

There is also inclosed for your information copy of a letter from the Director Bureau of the Budget, dated January 23, 1926, in response to my inquiry of the 6th instant, advising that my report on this proposed legislation as above stated is not in conflict with the financial program of the President.

Very truly yours,

(Signed)

HARRY S. NEW,
Solicitor.

WASHINGTON, D. C., June 14, 1910.

HON. GEORGE W. PRINCE,
Chairman Committee on Claims,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am in receipt of yours of the 10th instant, inclosing bill (H. R. 26718) for the relief of J. A. Bingham, late postmaster at Vandalia, Ill., asking for a statement of the facts in the case and an opinion as to the merits of the bill.

It appears from the records of this department that Mr. Bingham presented a claim for credit on his postal account to the amount of \$500 on account of postage stamps stolen from the said post office on or about July 24, 1903, and that the claim was disallowed by Postmaster General Payne, February 24, 1904, for the reason that the loss was regarded as having resulted, to a certain extent, from negligence on the part of the claimant in failing to properly safeguard the stamps stolen, by locking the safe from which the stamps were taken.

The loss occurred shortly after a violent storm, during which the foundation of the post-office building was undermined and water in considerable quantity came into the post office from above, and for some time after the storm the attention of Mr. Bingham and his two assistants in the post office (his daughters) was engaged in protecting the contents of the office from the water. The safe was always locked at night, but during business hours was not locked, although closed. The presumption was that while but one person was on duty in the post office, at the noon hour, a thief entered the office through the cellar or basement by forcing open a window between the post-office building and the one adjoining, crept up

the stairs leading from the cellar to the office, opened the safe, secured a package of postage stamps, and made his escape without attracting the attention of the clerk on duty.

At the time this claim was passed upon it was supposed to have occurred while workmen were busy making repairs to the foundations, and during a portion of the time it was necessary to leave open or unlocked the door to the stairway referred to.

The postmaster was regarded as having been negligent in leaving the safe unlocked at a time when persons not employed in the office had access thereto; but from additional details and explanations since submitted it appears that the loss occurred at the time of the storm and while the postmaster and his assistants were excited because of the damage to the building and Government property therein, and were busily engaged in efforts to protect the property in their charge, and before the making of repairs had commenced but at or before the time that the mason and the son of the owner of the building were in the cellar examining the foundations to see what repairs were necessary, and had for that purpose passed through the door in question and left it unlocked. While under the circumstances I prefer not to make any recommendation, if Congress should deem it advisable to reimburse the postmaster I should not feel that any injustice had been done.

Yours very truly,

(Signed)

F. H. HITCHCOCK,
Postmaster General.

DISTRICT OF COLUMBIA, ss:

John A. Bingham, duly sworn on his oath, says that he was postmaster at Vandalia, Ill., during the year 1903 at the time of the robbery of the postage stamps in question was made; that he makes this affidavit in addition to the one now on file in the department, in support of same and in addition thereto; that the building in which the post office was then located was a three-story brick building, 22 feet wide and 80 feet long, and was owned by a widow, Mrs. Simeon Perkins, from whom the building was leased. The two upper stories of said building were unoccupied. The minor children of Mrs. Perkins owned the two lots adjoining on the east on which was erected a two-story building; the three buildings ran north and south with a sloping roof to the south. The water that fell on the post-office building roof was conveyed from the south end of the roof through a pipe down into the third story, thence through the eastern wall out on the roof of the two other buildings and from there to the rear alley. During the storm in original affidavit mentioned the pressure of the rainfall was so heavy that it disconnected the pipe in the upper story of the post-office building, and all of said water came down through the rear end of said building floors into the post office, wetting everything except what we could protect with the empty tie sacks. My two daughters, Misses Rose and Maud were my assistants and making every effort to protect the envelopes and mail from this deluge of water coming down over them. I was busy directing this and the securing of lumber to protect the sidewalk over the coal bin in the front of the building and securing it in place so there would be no interruption with the mail and business of the office, and also was extremely anxious to know the full extent of the damage that might have occurred to foundation walls of the building, and for this purpose sent for Mrs. Perkins to secure a mason to make an investigation of the full extent of the damage and report. My daughters as well as myself were in great alarm and fear lest further disaster would follow. When I say it was a very excitable and dangerous condition for us, I am but stating the fact mildly. Mr. Dieckmann was also anxious, as his building, the Dieckmann Hotel, joined ours on the west and his hotel kitchen came within 10 feet of the rear end of my building forming an "L" in the rear. Until a competent person had gone in the basement of my building and reported we could not know the extent of the damage or the danger we were in.

Mrs. Perkins's son Bennie came soon afterwards to the post office with Mr. William Rethorn, an old stone and brick mason of our town, and one of the most highly respected men we have. I am not sure that I opened the door leading from the inside entrance of the post office to the basement or one of my daughters, but one of us did unbolt the door and permit him and Bennie Perkins to go down in the basement. This door was not bolted or locked after they entered until they returned. One reason for this being the falling of the retaining wall at the south end of this building completely closed up the windows, permitting no

light to enter there except that through this open door. As we were all busy attending to other matters we did not think of any danger in so doing, our only purpose being to protect the property of both the department and the building. I was not in the basement for some time afterwards; in fact, I think not until I made the discovery of my loss. I then found the basement window leading from the cellar immediately east of the post-office building open. This window was constructed for the purpose of permitting light into my cellar from the building immediately east, which building was not as long as the one I occupied by 6 feet. This building immediately east of me was occupied by one Jacob Katz as a clothing store. I found this window had been pried open from the Katz cellar, thus permitting the party I feel did the work to enter at this point, cross over, and come up the inside stairway left open when Mr. Rethorn and Mr. Perkins were making the investigation as above, thus accounting for the tracks I discovered on Sunday morning previous. I then went to Mr. Perkins and asked him if he remembered whether that window leading from the Katz cellar into mine was open at the time he and Mr. Rethorn went down to make the investigation. He informed me that it was and that he called Mr. Rethorn's attention to it, but neglected to inform me. I then felt reasonably sure the manner in which the party entered and did the work, and it was my judgment that the robbery occurred in this way. I here refer to the affidavits of both William Rethorn, Bennie Perkins, and Charles Austin, copies of which I hereto attach and make part of this affidavit.

No other persons were permitted to enter this cellar from the post office except Mr. Rethorn and Mr. Perkins, as above, and Mr. Rethorn and his son on Monday morning following, who came to make the repairs and reconstruct the retaining wall at the rear end of the building; in fact, there was no other way of entering except through the inside entry from the post office. This we were compelled to permit for two or three days until an opening was made through this retaining wall so Mr. Rethorn and his workman could have access to the cellar from the outside. But each time, beginning with Monday morning above referred to, the door leading to the basement was bolted as they went down and afterwards as they came out. The post-office force as well as affiant was at this time in rational condition, a condition we do not admit we were in Friday after the storm.

The affidavits hereto attached were not obtained until November, 1907, four years after the robbery, and then not until affiant was informed these facts would be necessary in the department to corroborate former statement and affidavit by me made and to account for what appeared to be carelessness in permitting the cellar door to remain open. Affiant further says that at the hour these unfortunate circumstances occurred we were dispatching and receiving mail and trying to serve the patrons of the office. As the floor of the post office was very wet, caused by the said flood and continued dripping of the water through the floors above, we could not clean the office until Saturday afternoon, but kept the surplus water mopped up, and we did not discover the muddy tracks leading from the cellar door to the safe, thence out the back door, until I discovered them on the Sunday morning following. At this time the floor had begun to dry, revealing the muddy tracks to plain view. Affiant further says the original of the three affidavits attached are in the possession of Congressman Rodenberg and so far have been unable to discover them, though diligent efforts have been made but affiant says that the copies hereto attached are correct copies of the original and the facts therein stated are true.

(Signed) JOHN A. BINGHAM.

Subscribed and sworn to before me this 11th day of June, A. D. 1910.

[SEAL.]

(Signed) AARON RUSSELL,
Notary Public.

My commission expires December 27, 1910

COMMITTEE ON CLAIMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 10, 1910.

THE POSTMASTER GENERAL.

SIR: Inclosed please find House bill now before the Committee on Claims for consideration. Kindly furnish the committee all facts and information concerning the matter in the possession of your department; also an opinion touching the merits of the claim.

In case I have made an error in reference, may I ask you to forward the bill to proper department.

An early compliance with the above request will be appreciated.

Respectfully,

(Signed)

GEO. W. PRINCE,
Chairman.

[H. R. 26718, Sixty-first Congress, second session]

A BILL For the relief of J. A. Bingham

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. A. Bingham the sum of five hundred dollars, the amount stolen from him while postmaster at Vandalia, Illinois.

STATE OF ILLINOIS,

Fayette County, ss:

Mr. Rethorn being also duly sworn says he has read the above affidavit of Bennie Perkins and makes that a part of his, and corroborates it in every particular, and adds further that he took the contract of repairing the walls and during the next week or 10 days did complete them.

W. RETHORN.

Subscribed and sworn to before me this 18th day of November, A. D. 1907.

J. N. CHENEY, J. P.

STATE OF ILLINOIS, *Fayette County, ss:*

And now on this day comes Bennie Perkins, and being first duly sworn, on his oath says: My mother owns the building in which the post office was located during Mr. Bingham's administration as postmaster. After the flood of rain, on Saturday morning in the year 1903, my mother sent me to employ Mr. Rethorn to investigate the extent of the injury to the retaining wall on the south of the building and the arches supporting the pavement over the coal cellar on the north end of the building. I arrived at the post office with Mr. Rethorn between 9 and 10 o'clock in the morning; was unable to get into the cellar except through the back stairway in the post office. Mr. Rethorn and I went down through the post office, went first to the north end of the building, found the brick arches supporting the coal bin washed out and endangered, and in about a half hour we returned to the south end, found the back retaining wall had caved in, entirely covering the outside entrance and blocking the two windows. We discovered the window between the Katz cellar and ours broken in from Katz's cellar. I called Mr. Rethorn's attention to it but neglected to call Mr. Bingham's until he made the discovery and then asked me if that window was in that condition when we went into the cellar that morning, and I told him it was. We also found the south end of the cellar floor nearly mouth deep in slushy mud caused by the flow of water from the Dieckmann house into this cellar, carrying with it sand and clay mixed, forming a loblolly as above. Being familiar with the cellar, Mr. Rethorn and I kept out of the slush and mud and walked around on boxes and boards. This was between the direct line from the open window in Katz's cellar to the stairway in the south end of the building.

I am not related to Mr. Bingham in any way nor interested in this case. I simply make this affidavit that justice may be done.

BEN. W. PERKINS.

Subscribed and sworn to before me this 18th day of November, 1907.

J. N. CHENEY, J. P.

STATE OF ILLINOIS, *Fayette County, ss:*

Charles S. Austin, being first duly sworn, on oath says: I remember distinctly the time of the big flood or heavy rain in 1903 that washed in the retaining wall at the rear of the post office in this city and undermined the arches supporting the said walk in front of the post office over the coal bins. This storm occurred late in the afternoon on Friday. On Sunday morning about 8 o'clock Mr. Bingham opened up the post office and called me back to the rear end and showed

me the tracks made with muddy boots or shoes from the stairway leading up out of the cellar into the post-office room, directly to the safe and from the safe to the back door, and from the back door down to the bottom of the chasm formed by the falling retaining wall, a distance of perhaps 8 or 9 feet in depth. Mr. Bingham was very much excited and informed me he believed the post office had been robbed. He put me out and said he would count the cash, which he did, and afterwards informed me later in the day that he must have been mistaken, as he found the cash in the safe all right. The party who made these tracks must have passed through the mud and slush in the rear end of the cellar washed in there through the break in the retaining wall, as the same character of mud and sand appeared where the tracks were made as above.

I am not related to Mr. Bingham, nor interested in the result of his case, and only make this affidavit because the facts herein are true as stated and to enable him, if possible, to secure justice.

C. S. AUSTIN.

Subscribed and sworn to before me this 18th day of November, A. D. 1907.

J. N. CHENEY, J. P.

In re Jno. A. Bingham, postmaster, Vandalia, Ill. Claim for a credit of \$500 on account of postage stamps lost by burglary July 24, 1903.

BRIEF

The substance of the claimant's statement is as follows:

"The postage stamps were kept in a safe in the post office, which is within the view of the clerks in the office at all times, except when they are at the general delivery window, when their backs are toward the safe. The safe is always kept closed during the day, and at night is locked with the 'combination.' At the time the loss occurred, the 2-cent stamps were in two packages, one of which, containing those stolen, was in the middle partition of the safe; at least they were there at the end of the previous month, when claimant made an inventory of the stock on hand; but he has no recollection of seeing them afterwards, nor did he discover any loss until July 31, 1903, when he made another inventory in order to make up his report for the month.

"On July 24, 1903, there was a very heavy rainstorm at Vandalia and the flood of water wet nearly everything in the post office and caused the south wall of the building to cave in and injured the arches supporting the sidewalk on the front of the office. The dirt behind, following the wall at the south end, lodged against the main wall at the south end, completely closing the cellarway from the outside. The next day William Rethorn, a brick mason, accompanied by a son of the owner of the building, came to the office and were admitted to the cellar to see what could be done; they were in the cellar about an hour. On July 27 the same men came again, accompanied by Rethorn's son, and were admitted to the cellar through the post office, that being the only way in which they could enter the cellar. During the forenoon they excavated the debris, throwing it into the cellar, and made a hole in the leaning wall to make an entrance into the cellar so that they could work without going through the post office. No other persons were admitted to the inside of the office."

The claimant's theory as to the manner in which the loss occurred is given as follows:

"On Sunday morning following (the storm was on Friday) I went to the post office about 8 o'clock and opened a back door to let in air and light and discovered what appeared to be tracks of a man who had jumped from the back door of the post office down into the crevice made by the sliding dirt and falling wall some 6 or 7 feet from the door, had climbed up and out, making other tracks. The character of the soil is sandy and you could not determine except that it was a man's tracks, the sand falling in behind. This aroused my suspicion and I called the attention of Charles Austin from the lobby, and brought him back and showed him the peculiar circumstances. Upon the arrival of my clerks we opened the safe, which appeared to be as we had left it the night before, and counted the cash. Finding no signs of any disturbance and the money being intact, we dismissed all fears until I made the discovery of this loss; then I became convinced that the party who made those tracks did the deed, and on further investigation found a window had been broken open in the wall which divided my cellar from the merchant, Jacob Katz, on the east side. I interviewed Mr. Rethorn and Mr. Perkins, and they stated that when they went into the cellar

on Saturday they found this window between the Katz cellar and mine open. I feel sure that the thief, who was evidently in the crowd drawn to the scene on the outside by the wreck, planned and executed the theft by entering the Katz cellar through the regular door under their store and forcing that window open, getting into our cellar, came up by the back stairway into the office, raised the levers, opened the safe sufficient to disclose this package of stamps, which would then be immediately in front of him, grabbed them and jumped out the back door, thus making the tracks which aroused my suspicion on Sunday morning. This he could have done while Rethorn and Perkins were in the front part viewing the arches over the coal bins. * * *

"I am satisfied the job was done quickly, for at that time in the month there were three or four hundred dollars in the safe and twice as many stamps, which he could have taken had he taken the time."

The computation in the claim is unsatisfactory, as it includes only 2-cent stamps, the value of which appears to be but \$250, although it is explicitly stated that 25,000 (value \$500) were stolen. Inspector Means, who investigated the matter and made an inventory of the stamps, etc., on hand August 18, 1903, submits two computations, viz, one based upon the postmaster's inventory of July 31, 1903, and the other upon his own inventory of August 18, 1903, as follows:

On hand June 30, 1903 (stamps, etc.)	\$2, 533. 53
Received to July 31, 1903	32. 10
Total to be accounted for	2, 565. 63
Sold to July 31, 1903	\$419. 76
On hand July 31, 1903	1, 645. 56
	2, 065. 32
Loss	500. 31
On hand June 30, 1903	2, 533. 53
Received to Aug. 18, 1903	53. 30
Total to be accounted for	2, 586. 83
Sold, July 1 to Aug. 18	\$706. 94
On hand Aug. 18	1, 351. 02
	2, 057. 96
Loss	528. 87

With reference to the discrepancy between the two computations, the inspector says that when he made the inventory, August 18, he found that 1,000 No. 5 2-cent envelopes had disappeared since July 31, which the postmaster was unable to account for.

As to the manner in which the loss occurred, the inspector was unable to come to a definite conclusion. He submitted a plan of the office.

With reference to this plan, the inspector says:

"The rear door is provided with a summer door made of No. 9 wire, which is always kept hooked on the inside. It is my opinion that the thief entered the basement of the Katz building, passed through the window, thence up the stairway during the noon hour, when there was but one person in the office, slipped across the office to the safe, turned the handle, opened the safe, grabbed the first package he came to, and jumped out of the back door. It will be readily seen that the distribution case obstructs the view of the back part of the office, except near the stair door and immediately in front of the safe. An accomplice could have engaged the attention of the postmaster at the general-delivery window while the thief opened the safe, took the package, unhooked the rear door, and escaped. This package was on one side of the safe, and it would have been necessary to open but one door of the safe. There was between \$300 and \$400 in postal and money-order funds in the cash chest of the safe; this, however, was locked most of the time.

"It is evident that the robbery occurred in the daytime, as the funds and the balance of the stamps would have been taken had anyone opened the safe with the combination. * * *

"I submit Postmaster Bingham's affidavit, and am satisfied that he sustained the loss as claimed. I therefore have to recommend that he be indemnified in the sum of \$500. The \$28.67 above that amount is due either to errors or envelopes stolen later, which the postmaster claims no credit for."

Mr. ROBB: Please decide what should be done in this case. I have no doubt that there was a loss, as claimed; but it looks to me as if the postmaster had not taken the best possible care of the stamps. I infer from his letter of September 21, 1903, that he is a practicing lawyer, and that he leaves the management of the office to Rose and Maud, his daughters.

W. A. K.

The following is in pencil:

"I fear that in the circumstances the postmaster should have kept the safe locked during the day as well as at night. Certainly so if anyone could have entered the office while these repairs are being made. Extra precautions should have been taken, and they were not taken.

"R."

ASSISTANT ATTORNEY GENERAL,
Washington, D. C.

SIR: Answering your inquiry and in furtherance of my claim for reimbursement for the loss of 25,000 2-cent stamps from my office, will herein state all that we know at this time of the robbery.

The stamps were kept in my safe in the office, a plat of the interior of the office being inclosed and marked "Exhibit A." There is nothing to obscure the view of the safe at all times from the clerks in the office except whilst they are engaged attending to the general delivery window with their backs to the safe and their faces to the customers. The safe is closed at all times during the day, the combination being locked before leaving the office at night. My 2-cent stamps were at that time in two packages; am quite sure the stolen stamps were of the old denomination and were in the middle partition of the safe, all of my other stamps of various denominations being in the north side, from which later we drew stamps for use from time to time. The others were not drawn on the last month. They were there when I took my inventory the month previous. I have no particular recollection of seeing them afterwards, nor did not miss them from the safe until August 1, the next day after taking the inventory for July; in making my stamp report I discovered the loss.

On Friday, the 24th day of July, we were visited by a terrific downpour of rain. The flood of water wet nearly everything inside the office and caused the wall at the south end of the building to cave in. The dirt behind following the wall lodging against the main wall of the south end of the building completely closing up the cellarway from the outside, this same rain injured the arches supporting the sidewalk over the coal bins in front of the office. The crash of the caving wall drew to the scene a number of people. We were engaged on the inside protecting our stock from the flood of water that poured through the roof and gave little attention to what went on on the outside.

On Saturday, before the closing hours of the office William Rethorn, an old and highly respected German citizen and a brick mason, came to the office, having been sent there by the proprietor of the building, requested us to allow he and the son of the proprietor of the building to go into the cellar to see what could be done. We opened the inside door and permitted them to go down and view. They were there perhaps an hour all together and they were the only ones permitted in on that day.

On Monday they came and having no other way of getting into the cellar except through the post office we opened the cellar door and let the said William Rethorn and the said Perkins, also William Rethorn's son, all of which parties are men of good character and reputation, and against whom no suspicion so far as has been attached. During the forenoon they excavated the débris, throwing it into the cellar, and knocked a hole through the leaning fallen wall to make an entrance into the cellar so they could work without coming through the post office. At no other time did we permit nor were we asked to permit anyone to go into the cellar through the post office from the inside of the office.

On Sunday morning following I went to the post office about 8 o'clock and opened the back door to let in air and light and discovered what appeared to be tracks of a man who had jumped from the back door of the post office down into the crevice made by the sliding dirt and falling wall some 6 or 7 feet from the door, had climbed up and out, making other tracks. The character of the soil is sandy and you could not determine except that it was a man's tracks, the sand falling in behind. This aroused my suspicion, and I called the attention of Charley Austin from the lobby and brought him back and showed him the peculiar circumstances. Upon the arrival of my clerks we opened the safe, which

appeared to be as we had left it the night before and counted the cash. Finding no signs of any disturbance and the money being intact, we dismissed all fears until I made the discovery of this loss. Then I became convinced that the party who made those tracks did the deed, and on further investigation found a window had been broken open in the wall which divided my cellar from the merchant, Jacob Katz, on the east side, which two buildings, the one occupied by Mr. Katz and the one occupied by myself, are owned by the same party, and this window had been made with the view to let light into the Katz cellar. I interviewed Mr. Rethorn and Mr. Perkins, and they stated that when they went into the cellar on Saturday they found this window between the Katz cellar and mine open.

I feel sure that the thief, who was evidently in the crowd drawn to the scene on the outside by the wreck, planned and executed the theft by entering the Katz cellar through the regular door under their store and forcing that window open, getting into our cellar, came up the back stairway into the office, raising the levers, opened the safe sufficient to disclose this package of stamps, which would then be immediately in front of him, grabbed them and jumped out the back door, thus making the tracks which aroused my suspicion on Sunday morning. This he could have done while Rethorn and Perkins were in the front part viewing the arches over the coal bins.

I am not able to give any more information except the facts as they have developed and the loss sustained. I am satisfied the job was done quickly, for at that time in the month there were three or four hundred dollars in the safe and twice as many stamps, which he could have taken had he taken the time.

Respectfully yours,

(Signed)

JOHN A. BINGHAM.

Subscribed and sworn to before me this 26th day of August, 1903.

(Signed)

J. W. SCHENKER,
Circuit Clerk.

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